

12-10-01

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12/04/01

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U S Patent and Trademark Office, U S DEPARTMENT OF COMMERCE

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 5189US

First Inventor van Gemen et al.

Title TESTING ENDOSYMBIONT CELLULAR ORGANELLES
AND COMPOUNDS IDENTIFIABLE THEREWITH

Express Mail Label No. EL608690696US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. Applicant claims small entity status.
See 37 CFR 1.27.
3. Specification [Total Pages 65]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings *(if filed)*
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. Drawing(s) (35 U.S.C. 113) [Total Sheets 22]
5. Oath or Declaration [Total Pages]
 a. Newly executed (original or copy)
 b. Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
 i. **DELETION OF INVENTOR(S)**
 Signed statement attached deleting inventor(s)
 named in the prior application, see 37 CFR
 1.63(d)(2) and 1.33(b)
6. Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
- a. Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
 i. CD-ROM or CD-R (2 copies); or
 ii. paper
- c. Statements verifying identity of above copies

12-04-01
10/006009
PTO**ACCOMPANYING APPLICATION PARTS**

9. Assignment Papers (cover sheet & document(s))
10. 37 CFR 3.73(b) Statement Power of Attorney
(when there is an assignee)
11. English Translation Document *(if applicable)*
12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
13. Preliminary Amendment
14. Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation Divisional Continuation-in-part (CIP) of prior application No. /

Prior application information Examiner _____

Group Art Unit _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.**19. CORRESPONDENCE ADDRESS**

| | | | | |
|---|--|-----------|--|---|
| <input checked="" type="checkbox"/> Customer Number or Bar Code Label |  (Insert Customer Number or Bar Code Label here) | | | <input type="checkbox"/> Correspondence address below |
| Name | 24247 | | | |
| Address | | | | |
| City | | State | | Zip Code |
| Country | | Telephone | | Fax |

| | | | |
|-------------------|---|-----------------------------------|----------|
| Name (Print/Type) | Allen C. Turner | Registration No. (Attorney/Agent) | 33,041 |
| Signature |  | Date | 12/04/01 |

Burden Hour Statement This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U S Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision

TOTAL AMOUNT OF PAYMENT (\$)

1,292.00

Complete if Known

| | |
|----------------------|------------------|
| Application Number | Not Yet Assigned |
| Filing Date | December 4, 2001 |
| First Named Inventor | van Gemen et al. |
| Examiner Name | Unknown |
| Group Art Unit | Unknown |
| Attorney Docket No. | 5189US |

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to

Deposit Account Number **20-1469**Deposit Account Name **TraskBritt** Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 Applicant claims small entity status See 37 CFR 1.272. Payment Enclosed: Check Credit card Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|----------|----------|----------|----------|------------------------|------------|
| 101 | 710 | 201 | 355 | Utility filing fee | 740 |
| 106 | 320 | 206 | 160 | Design filing fee | 0 |
| 107 | 490 | 207 | 245 | Plant filing fee | 0 |
| 108 | 710 | 208 | 355 | Reissue filing fee | 0 |
| 114 | 150 | 214 | 75 | Provisional filing fee | 0 |

SUBTOTAL (1) (\$)

740.00

2. EXTRA CLAIM FEES

| Total Claims | 46 | Extra Claims | Fee from below | Fee Paid |
|--------------------|----|--------------|----------------|------------|
| Independent Claims | 4 | -20** = | 26 X 18 = | 468 |
| Multiple Dependent | 4 | -3*** = | 1 X 84 = | 84 |

| | | |
|---|---|---|
| 0 | = | 0 |
|---|---|---|

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description |
|----------|----------|----------|----------|--|
| 103 | 18 | 203 | 9 | Claims in excess of 20 |
| 102 | 80 | 202 | 40 | Independent claims in excess of 3 |
| 104 | 270 | 204 | 135 | Multiple dependent claim, if not paid |
| 109 | 80 | 209 | 40 | ** Reissue independent claims over original patent |
| 110 | 18 | 210 | 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$)

552.00

**or number previously paid, if greater; For Reissues, see above

| 3. ADDITIONAL FEES | | | | | |
|---------------------------|----------|-----------------------|----------|--|----------|
| Large Entity Fee Code | Fee (\$) | Small Entity Fee Code | Fee (\$) | Fee Description | Fee Paid |
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or oath | |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 139 | 130 | 139 | 130 | Non-English specification | |
| 147 | 2,520 | 147 | 2,520 | For filing a request for ex parte reexamination | |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action | |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 | 55 | Extension for reply within first month | |
| 116 | 390 | 216 | 195 | Extension for reply within second month | |
| 117 | 890 | 217 | 445 | Extension for reply within third month | |
| 118 | 1,390 | 218 | 695 | Extension for reply within fourth month | |
| 128 | 1,890 | 228 | 945 | Extension for reply within fifth month | |
| 119 | 310 | 219 | 155 | Notice of Appeal | |
| 120 | 310 | 220 | 155 | Filing a brief in support of an appeal | |
| 121 | 270 | 221 | 135 | Request for oral hearing | |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | |
| 140 | 110 | 240 | 55 | Petition to revive - unavoidable | |
| 141 | 1,240 | 241 | 620 | Petition to revive - unintentional | |
| 142 | 1,240 | 242 | 620 | Utility issue fee (or reissue) | |
| 143 | 440 | 243 | 220 | Design issue fee | |
| 144 | 600 | 244 | 300 | Plant issue fee | |
| 122 | 130 | 122 | 130 | Petitions to the Commissioner | |
| 123 | 50 | 123 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 126 | 180 | 126 | 180 | Submission of Information Disclosure Stmt | |
| 581 | 40 | 581 | 40 | Recording each patent assignment per property (times number of properties) | |
| 146 | 710 | 246 | 355 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 | 710 | 249 | 355 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 179 | 710 | 279 | 355 | Request for Continued Examination (RCE) | |
| 169 | 900 | 169 | 900 | Request for expedited examination of a design application | |
| Other fee (specify) _____ | | | | | |

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

Complete (if applicable)

| | | | | | |
|-------------------|----------------------------|-----------------------------------|--------|-----------|----------------|
| Name (Print/Type) | Krista Weber Powell | Registration No. (Attorney/Agent) | 47,867 | Telephone | (801) 532-1922 |
| Signature | <i>Krista Weber Powell</i> | | | Date | 12/04/2001 |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PATENT
5189US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

van Gemen et al.

Serial No.: To be assigned

Filed: December 4, 2001

For: TESTING ENDOSYMBIONT
CELLULAR ORGANELLES AND
COMPOUNDS IDENTIFIABLE
THEREWITH

Examiner: To be assigned

Group Art Unit: To be assigned

Attorney Docket No.: 5189US

NOTICE OF EXPRESS MAILING

Express Mail Mailing Label Number: EL608690696US

Date of Deposit with USPS: December 4, 2001

Person making Deposit: Orlena Howell

Statement under 37 C.F.R. § 1.821(f)

Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Krista Weber Powell, an attorney registered to practice before the United States Patent & Trademark Office and attorney of record for this application, state that:

1. The enclosed paper copy of the SEQUENCE LISTING, as well as the enclosed copy of the SEQUENCE LISTING in computer readable form (CRF), are in compliance with the requirements of 37 C.F.R. §§ 1.821 through 1.825.

Attorney Docket No. 5189US

2. The enclosed copy of the SEQUENCE LISTING in computer readable form (CRF) is believed to be identical to the paper copy of the SEQUENCE LISTING.
3. The enclosed paper copy of the SEQUENCE LISTING contains no new matter.

Respectfully submitted,



Krista Weber Powell
Registration No. 47,867
Attorney for Applicant
TRASK BRITT, PC
P. O. Box 2550
Salt Lake City, Utah 84110
Telephone: (801) 532-1922

KWP/dlm
Date: December 4, 2001

N:\2183\5189\seq listing statement.wpd